

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARY WARREN HACKER,

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY
OF AMERICA,

Defendant.

No. 2:20-cv-00371-TLN-DMC

AMENDED PRETRIAL SCHEDULING
ORDER

After reviewing the parties' Joint Statement, the Court makes the following Pretrial Scheduling Order.

I. SERVICE OF PROCESS

All named Defendants have been served and no further service is permitted without leave of court, good cause having been shown.

II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

No joinder of parties or amendments to pleadings is permitted without leave of court, good cause having been shown.

III. JURISDICTION/VENUE

Jurisdiction is predicated upon 29 U.S.C. § 1132. Jurisdiction and venue are not contested.

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1 IV. DISCOVERY

2 This case is governed by ERISA, therefore, all evidence for
3 trial will generally be limited to the administrative record.
4 The Court will allow a limited period of additional discovery in
5 order to assess whether a conflict of interest affected the
6 decision making process.
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8 All discovery shall be completed by **February 25, 2021**. In
9 this context, "completed" means that all discovery shall have
10 been conducted so that all depositions have been taken and any
11 disputes relative to discovery shall be been resolved by
12 appropriate order if necessary and, where discovery has been
13 ordered, the order has been obeyed. All motions to compel
14 discovery must be noticed on the magistrate judge's calendar in
15 accordance with the local rules of this Court.
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17 V. ADMINISTRATIVE RECORD

18 Defendants shall provide Plaintiff a copy of the entire
19 administrative record within sixty **(60)** days of the date of this
20 Pretrial Scheduling Order. The filing of the written
21 administrative record shall be filed not later than **March 25,**
22 **2021.**

23 VI. TRIAL

24 A bench proceeding is set for **July 19, 2021 at 9:00 a.m.,**
25 for consideration of the parties' cross-motions for judgment
26 under Federal Rule of Civil Procedure 52. Briefing of the
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1 motions shall be according to the Federal Rules of Civil
2 Procedure, this Court's Local Rules and this Order. The parties
3 estimate a court trial length of approximately **two hours**.

4 VII. SETTLEMENT CONFERENCE

5 The Court may set a settlement conference if the parties so
6 request. In the event an early settlement conference date is
7 requested, the parties shall file said request jointly, in
8 writing. The request must state whether the parties waive
9 disqualification, pursuant to Local Rule 270(b), before a
10 settlement judge can be assigned to the case. Absent the
11 parties' affirmatively requesting that the assigned Judge or
12 Magistrate Judge participate in the settlement conference AND
13 waiver, pursuant to Local Rule 270(b), a settlement judge will be
14 randomly assigned to the case.
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17 VIII. VOLUNTARY DISPUTE RESOLUTION PROGRAM

18 Pursuant to Local Rule 271, parties may stipulate at any
19 stage in the proceedings to refer the action, in whole or in
20 part, to the Voluntary Dispute Resolution Program.

21 IX. MODIFICATION OF PRETRIAL SCHEDULING ORDER

22 The parties are reminded that pursuant to Rule 16(b) of the
23 Federal Rules of Civil Procedure, the Pretrial Scheduling Order
24 shall not be modified except by leave of court upon a showing of
25 **good cause**. Agreement by the parties pursuant to stipulation
26 alone to modify the Pretrial Scheduling Order does not constitute
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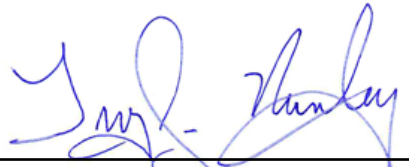
1 good cause. Except in extraordinary circumstances,
2 unavailability of witnesses or counsel will not constitute good
3 cause.

4 X. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

5 This Pretrial Scheduling Order will become final without
6 further order of the Court unless objections are filed within
7 fourteen (14) *calendar* days of service of this Order.
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9 IT IS SO ORDERED.

10 DATED: April 16, 2020

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14 Troy L. Nunley
15 United States District Judge
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